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EXAMINER

JUNG, DAVID YIUK

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/747,671	<b>Applicant(s)</b> CALLOWAY, JAMEY O.	
	<b>Examiner</b> Jonathan R Adams	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 12-14 are amended
2. Claims 17-19 are added

### *Response to Arguments*

3. Applicant's arguments filed 11/2/04 have been fully considered but they are not persuasive.
4. In response to applicant's argument the references do not teach that the modem input is for receiving only the voice service from the modem input, the examiner disagrees. Shown in Fig 1B of '115 is an analog/voice line feeding through a modem 34 to terminal 28.
5. In response to applicant's arguments that the references do not teach a communications module which passes both voice and data services to a modem, the examiner disagrees. '115 teaches an ISDN network interface (Col 4, Line 5, '115), Voice audio, data information (Col 1, Line 37, '115)
6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., dual server communication) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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7. In response to the applicant's argument that element 50 does not constitute an modem input/output, the examiner disagrees. The tip ring pair is a standard telecommunications signal line. Element 50 leads to/from modem 34.

8. In response to the applicant's argument concerning the preliminary amendment of claims 12-16, the changes broaden the scope of the claims. Therefore, the art rejections for these claims remain appropriate.

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, knowledge generally available to one of ordinary skill in the art.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 1, 2, 4-6, and 10-17 rejected under 35 U.S.C. 102(b) as being anticipated by Deutch et al, US Patent No 5577115 (hereafter referred to as '115).

3. As to claims 1, 17:

'115 teaches a security system for switching voice/data input lines comprising:

- Input for receiving a communications line containing data and voice communication services / ISDN network interface (Col 4, Line 5, '115), Voice audio, data information (Col 1, Line 37, '115)
- Modem output for passing voice and data services to a modem / (Fig 1A, Element 50, '115), Modem (Fig 1B, Element 34, '115)
- Modem input for receiving voice services from the modem / (Fig 1A, Element 50, '115), Modem (Fig 1B, Element 34, '115)
- Premise output for receiving only the voice service from the modem input / (Element 35, Fig 1B, '115)

4. As to claims 2, 6:

Security interface connected between the modem input and the premise output / passing the voice service to a security system and for receiving the voice service from the security system / Switch matrix (Element 43, Fig 5, '115)

5. As to claims 4 and 10:

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Security system configured to seize the voice service upon detection of a breach /  
Output of power test is connected to microprocessor such that microprocessor controls  
the open/closed position of switches (Col 7, Line 53, '115)

6. As to claims 5 and 11:

Data service to the modem is uninterrupted by seizure to the voice service / If power  
associated with analog service is detected the microprocessor recognizes that the  
network is either the standard ISDN or analog line (Col 5, Line 28 et seq., '115)

7. As to claim 12:

'115 teaches a security system for switching voice/data input lines comprising:

- Input for receiving a plurality of services / ISDN network interface (Col 4, Line 5, '115), Voice audio, data information (Col 1, Line 37, '115)
- Modem interface means connected between the input means and output means / Switch Matrix (Element 43, Fig 5, '115)
- security interface connected between the modem input and the premise output / passing the voice service to a security system and for receiving the voice service from the security system / Switch matrix (Element 43, Fig 5, '115)

8. As to claim 13:

Modem interface passes data communications through modem and voice to security  
system interface means / It is inherent to the invention of '115 that voice is processed by

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switch matrix/security system interface/modem interface (Element 43, Fig 5, '115) and that data is sent to the modem through the analog lines as it is the sole purpose of modems to communicate with data from analog lines.

9. As to claim 14:

Filter interface passes all communications to security system when modem is disconnected / All communications pass through the switch matrix regardless of modem connectivity

10. As to claim 15:

Security system interface interrupts voice communications to the output when a security breach is detected / Output of power test is connected to microprocessor such that microprocessor controls the open/closed position of switches (Col 7, Line 53, '115), If power associated with analog service is detected the microprocessor recognizes that the network is either the standard ISDN or analog line (Col 5, Line 28 et seq., '115)

11. As to claim 16:

Data service to the modem is uninterrupted by seizure to the voice service / If power associated with analog service is detected the microprocessor recognizes that the network is either the standard ISDN or analog line (Col 5, Line 28 et seq., '115)

12. As to claim(s) 18:

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Filtering occurs outside the module / Splitter/combiner (Element 19, Fig 1B, '115)

13. As to claim(s) 19:

Sending only the voice signals from the modem back to the module / Element 50 carries voice/analog signals only from the modem to the module (Fig 1A and 1B, '115)

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 7 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over '115.

As to claim 7:

16. '115 teaches a security system for switching voice/data input lines. '115 does not specifically teach for communications lines to comprise four twisted pair lines bundled in a cable. The examiner takes official notice that communications lines to comprise four twisted pair lines bundled in a cable. It would have been obvious to a person of ordinary skill in the art at the time of invention to use communications lines that comprise four twisted pair lines bundled in a cable. One of ordinary skill in the art would have been motivated to use communications lines that comprise four twisted pair lines



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bundled in a cable because it is the standard in network hardware to use RJ-45 connectors with CAT-5 cable which comprises four twisted pair lines bundled in a cable.

As to claim 9:

17. '115 teaches a security system for switching voice/data input lines. '115 does not specifically teach using an RJ-45 connector for the modem output. '115 teaches using RJ-45 connectors for releasable interfacing components for other connections (Col 10 , Line 18, '115). It would have been obvious to a person of ordinary skill in the art at the time of invention to use an RJ-45 connector for the modem output. One of ordinary skill in the art would have been motivated to an RJ-45 connector for the modem output because RJ-45 connectors are a standard connector type and are beneficial because they allow easily releasable connections.

18. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over '115 in view of DSL Tutorial.

19. '115 teaches a security system for switching telecommunications voice/data input lines connected to a modem. '115 does not teach for the modem to filters voice services from data service. DSL tutorial teaches a telecommunications system where voice/data are transmitted over the same line and where voice is filtered from data service (Page 3, Line 26 et seq., DSL tutorial). It would have been obvious to a person of ordinary skill in the art at the time of invention to use the DSL communications system and modem of DSL tutorial with the invention of '115. One of ordinary skill in

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the art would have been motivated to use the DSL communications system and modem of DSL tutorial with the invention of '115 because DSL is a very common telecommunications system providing higher speed internet access than traditional modems.

20. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over '115 in view of Mano, US Patent No 5187705 (hereafter referred to as '705).

As to claims 8

21. '115 teaches a security system for switching voice/data input lines. '115 does not teach for the modem output to pass the selected lines to a modem and pass lines directly to modem input when modem is disconnected. '705 teaches the loop-back testing of transmission lines at the terminals of a communication interface unit (Col 1, Line 46, '705) upon detecting an error (Col 1, Line 27, '705). It would have been obvious to a person of ordinary skill in the art at the time of invention to use a loop back test upon detecting an error such as a disconnected modem in the invention of '115. One of ordinary skill in the art would have been motivated to use a loop back test upon detecting an error such as a disconnected modem in the invention of '115 because it is beneficial to be able to easily troubleshoot defective devices.

### ***Conclusion***

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22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R Adams whose telephone number is (571)272-3832. The examiner can normally be reached on Monday – Friday from 10am to 6pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (571)272-3838. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

GREGORY MORSE  
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